

REMARKS

Claims 1-3, 5-8, 10-11 and 14-24 were examined by the Office, and in the final Office Action of February 20, 2009 all claims are rejected. With this response claims 1, 14-16, 18-19 and 22 are amended, and claims 11, 20 and 23 are cancelled. All amendments are fully supported by the specification as originally filed. Support for the amendments to the claims can be found at least from cancelled claims 11, 20 and 23. Applicant respectfully requests reconsideration and withdrawal of the rejections in view of the following discussion.

Claim Rejections Under § 112

In section 4, on page 3 of the Office Action, claims 1-3, 5-8, 10-11 and 14-24 are rejected under 35 U.S.C. § 112, first paragraph, as failing to comply with the written description requirement. This rejection has been overcome by the previously filed amendment according to the Advisory Action of May 14, 2009.

In section 6, on page 4 of the Office Action, claims 1-3, 5-8, 10-11 and 14-24 are rejected under 35 U.S.C. § 112, second paragraph as being indefinite. This rejection has been overcome by the previously filed amendment according to the Advisory Action of May 14, 2009.

Claim Rejections Under § 103

In section 9, on page 4 of the Office Action, claims 1-3, 5-7, 10, 14-16 and 18 are rejected under 35 U.S.C. § 103(a) as unpatentable over Edelman et al. (U.S. Appl. Publ. No. 2002/0029347) in view of Circenis (U.S. Appl. Publ. No. 2003/0135474). Claim 1 is amended to include the limitations from cancelled claim 11. The Office acknowledges on page 8 of the Office Action that Edelman in view of Circenis does not teach the limitations recited in claim 11, and relies upon Emondi (U.S. Appl. Publ. No. 2002/0016748) for this teaching. Therefore, applicant will address the rejection of claim 11 with respect to claim 1, since claim 1 now includes the limitations from claim 11. Applicant respectfully submits that claim 1 is not disclosed or suggested by the cited references, because the cited references fail to disclose or suggest all of the limitations recited in claim 1. The cited references, alone or in combination, at least fail to disclose or suggest appending to each request by the application a user identifier

stored in the wireless terminal and the application identifier.

Emodi is directed to an apparatus for storing predetermined multimedia information, and the apparatus includes a telephony platform and a storage location coupled to the telephony platform. The storage location stores predetermined multimedia information corresponding to a plurality of predetermined information tracks, and the telephony platform receives at least one multimedia command from an access device of a user. The multimedia command enables the user to access a service of the apparatus relating to a particular information track of the predetermined information tracks, and the telephony platform charges the user a fee for accessing the service. See Emodi Abstract. However, claim 1 recites that the application consumes network resources, and the request includes both the application identifier and the user identifier. In contrast to claim 1, the multimedia command discussed in Emodi does not correspond to the request recited in claim 1, because the multimedia command does not include the application identifier and the user identifier.

Emodi only states that due to the manner in which the tracks are stored on various platforms, the speed with which the tracks can be accessed is increased because the corresponding requests to access the tracks can be more efficiently routed to the appropriate platform. See Emodi paragraph [0026]. However, Emodi is silent regarding whether these requests include the application identifier and user identifier, as recited in claim 1. Furthermore, even if it can be asserted that these requests would inherently include an application identifier, the tracks do not correspond to the application recited in claim 1, because claim 1 is amended to clarify that the application consumes network resources. While the tracks may consume storage space on the platforms, Emodi does not disclose or suggest that the tracks consume network resources, as recited in claim 1. In addition, Emodi only states that the interface (150) enables user to communicate with the messaging platform (100) via various access devices, and a particular access device transmits data and commands via an access device protocol. See Emodi paragraph [0032]. However, Emodi is silent regarding whether the data and commands includes the application identifier and user identifier as recited in claim 1.

Independent claims 14-16 and 18 contain limitations similar to those recited in claim 1. Therefore, applicant respectfully submits that independent claims 14-16 and 18 are not disclosed or suggested by the cited references for at least the reasons discussed above with respect to claim

1.

The dependent claims rejected above ultimately depend from an independent claim, and therefore are not disclosed or suggested by the cited references at least in view of their dependencies.

In section 18, on page 7 of the Office Action, claim 8 is rejected under 35 U.S.C. § 103(a) as unpatentable over Edelman in view of Circenis, and further in view of Official Notice. Applicant respectfully submits that claim 8 is not disclosed or suggested at least in view of its dependency.

In section 22, on page 9 of the Office Action, claim 17 is rejected under 35 U.S.C. § 103(a) as unpatentable over Edelman in view of Circenis, and in further view of Emondi and Samjani, "General Packet Radio Service." The additional cited references fail to make up for the deficiencies in the teachings of the references cited against claim 16 identified above. Claim 17 ultimately depends from independent claim 16, and therefore is not disclosed or suggested by the cited references at least in view of its dependency.

In section 24, on page 10 of the Office Action, claims 19 and 22 are rejected under 35 U.S.C. § 103(a) as unpatentable over Kunii in view of Edelman, and in further view of Circenis. Independent claims 19 and 22 are amended to contain limitations similar to those recited in claim 1. For at least the reasons discussed above with respect to claim 1, the cited references fail to disclose or suggest the limitations of amended claims 19 and 22.

In section 27, on page 12 of the Office Action, claim 20 is rejected under 35 U.S.C. § 103(a) as unpatentable over Kunii in view of Edelman, and in further view of Circenis, CGI and Samjani. Claim 20 ultimately depends from an independent claim, and therefore is not disclosed or suggested by the cited references at least in view of its dependency.

In section 29, on page 13 of the Office Action, claims 21 and 24 are rejected under 35 U.S.C. § 103(a) as unpatentable over Kunii in view of Edelman, and in further view of Circenis

and Samjani, "General Packet Radio Service." Claims 21 and 24 ultimately depend from an independent claim, and therefore are not disclosed or suggested by the cited references at least in view of their dependencies.

In section 32, on page 15 of the Office Action, claim 23 is rejected under 35 U.S.C. § 103(a) as unpatentable over Kunii in view of Edelman, and in further view of Circenis, CGI and Samjani. Claim 23 ultimately depends from independent claim 22, and therefore is not disclosed or suggested by the cited references at least in view of its dependency.

Conclusion

For at least the reasons discussed above, the present application is believed to be in condition for allowance, and such action is earnestly solicited. The undersigned hereby authorizes the Commissioner to charge Deposit Account No. 23-0442 for any fee deficiency required to submit this response.

Respectfully submitted,

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Keith R. Obert
Attorney for the Applicant
Registration No. 58,051

WARE, FRESSOLA, VAN DER SLUYS
& ADOLPHSON LLP
Bradford Green, Building Five
755 Main Street, P.O. Box 224
Monroe, CT 06468
Telephone: (203) 261-1234
Facsimile: (203) 261-5676
USPTO Customer No. 004955